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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Manoel Tenorio

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EXAMINER

THEIN, MARIA TERESA T

ART UNIT

PAPER NUMBER

3627

NOTIFICATION DATE

DELIVERY MODE

06/23/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/002,433	<b>Applicant(s)</b> TENORIO, MANOEL	
	<b>Examiner</b> MARISSA THEIN	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's "Response Pursuant to 37 C.F.R. 1.111" filed on March 1, 2010 has been considered.

Claims 1-35 remain pending in this application and an action on the merits follow.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,076,080 to Morscheck et al. in view of U.S. Patent No. 6,014,644 to Erickson.**

Regarding claims 1, 3-5, 11-13, 23-25 and 35, Morscheck discloses a system, method, and software comprising one or more repositories that stores a plurality of user documents used during a first electronic commerce transaction (File menu, order log, col. 9, lines 17-20); a search interface (Order Log search criteria window, col. 10, lines 7-27); a security module that decrypts the plurality of documents to allow a user to access the plurality of documents (items may be disabled based on security access, col. 9, lines 21-22; col. 11, lines 36-37); and an intelligent module that updates one or more sections in the plurality of documents with current information associated with a second electronic commerce transaction (change order, col. 11, lines 32-55).

However, Morscheck does not explicitly disclose a global content directory which includes a plurality of classes; the documents comprise unique documents stored in seller database (**claim 3**); classes comprise a plurality of document classes (**claims 4, 12, 24**); the classes comprise a plurality of product classes (**claims 5, 13, 25**).

Morscheck does disclose a data menu (Figure 8) which includes commands to sort and find a data and show detail of an Order Log (col. 10, lines 61-66). Morscheck discloses a filter feature wherein the Order Log entries are filtered based on specific needs. The filter feature obtains a list of log entries based on some filtering criteria. (Col. 11, lines 2-11) Morscheck discloses the creation of an index of form design files which corresponds to the form design files stored in a first server and stores the index of form design files in the form design repository (col. 24, lines 23-28). Form design files correspond to a forms order (col. 24, lines 30-31). Furthermore, the graphic form design file is indexed in the forms design repository (col. 23, lines 21-23).

Erickson, on the other hand, teaches global content directory which includes a plurality of classes; the documents comprise unique documents stored in seller database (**claim 3**); classes comprise a plurality of document classes (**claims 4, 12, 24**); the classes comprise a plurality of product classes (**claims 5, 13, 25**) (col. 7, lines 14-17; col. 7, lines 50-52).

Examiner notes "Classification" is defined as "systematic arrangement in groups or categories according to established criteria". "Class" is defined as "rank"; "a group, set, or kind sharing common attributes"; and "a division or rating based on grade or quality". (Merriam Webster Collegiate Dictionary", Tenth Edition)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made the system, method and software of Morscheck, to include global content directory which includes a plurality of classes; documents comprise unique documents stored in seller database; classes comprise a plurality of document classes; the classes comprise a plurality of product classes, as taught by Erickson, in order to allow easy access to the information stored (Erickson, col. 7, lines 16-17).

Regarding claims 2, 6-10, 14-22 and 26-34, Morscheck discloses the documents are stored in a shared document repository (Order Log, col. 9, lines 17-20) (**claim 2**); the security module decrypts the user section in the user documents when the user documents as permission level (col.9, lines 21-22; col. 10, lines 61-64; col. 22, lines 58-62) (**claims 6, 18, 30**); the intelligent module updates the sections in the user documents when the user requests the user documents to be updated (col. 11, lines 37-55) (**claim 7**); the search interface allows the user to view user documents after the security module decrypts the user documents but before the intelligence updates the user documents with the current information associated with an associated transaction (col. 11, lines 13-29) (**claim 8**); the intelligence module electronically creates one or more blank standard documents form the user documents (col. 15, line 65-col. 16, line 6) (**claims 9, 22 and 34**); removes information from the sections of the user documents and arranges the section in a particular order as a new document (col. 15, line 65-col. 16, line 6; col. 110, line 65-col. 111, line 13) (**claim 10**); reissuing the user document comprises automatically changing one or more sections in the document to include

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current information (col. 15, line 65-col. 16, line 6; col. 110, line 65-col. 111, line 13) **(claims 14, 26)**; reissuing the user documents comprises determining which section of the user documents are generic and which sections are specific to a document transactions, dynamically adjusting the generic sections; determining which sections carry forward into one or more reissued user documents (col. 15, line 65-col. 16, line 6; col. 110, line 65-col. 111, line 13) **(claims 15-17 and 27-29)**; view generic section and the transaction specific sections of the user documents (col. 11, lines 13-29) **(claims 19, 31)**; searching for particular user documents' comprises navigating through the document searching for particular type of user documents (col. 11, lines 13-29) **(claims 20-21 and 32-33)**.

However, Morscheck does not explicitly disclose document classes and product classes. Morscheck discloses a filter feature wherein the Order Log entries are filtered based on specific needs. The filter feature obtains a list of log entries based on some filtering criteria. (Col. 11, lines 2-11)

Erickson, on the other hand, teaches document classes and product classes (col. 7, lines 14-17; col. 7, lines 50-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made the system, method and software of Morscheck, to include global content directory which includes a plurality of classes; documents comprise unique documents stored in seller database; classes comprise a plurality of document classes; the classes comprise a plurality of product classes, as taught by

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Erickson, in order to allow easy access to the information stored (Erickson, col. 7, lines 16-17).

### ***Response to Arguments***

Applicant's arguments filed March 1, 2010 have been fully considered but they are not persuasive.

Applicant remark that "the Examiner fails to point to any specific disclosure of Erickson or Morscheck that discloses this element and does not offer any assertion that there is any suggestion to combine any teachings of Erickson and Morscheck to suggest that *a plurality of classes organized in a hierarchy*, each class categorizing the plurality of document and associated with one or more attributes of the plurality of documents categorized in the class".

Examiner does not agree. As Examiner noted in the previous Office Action of November 27, 2009, Morscheck discloses a data menu (Figure 8) which includes commands to sort and find a data and show detail of an Order Log (col. 10, lines 61-66). Morscheck discloses a filter feature wherein the Order Log entries are filtered based on specific needs. The filter feature obtains a list of log entries based on some filtering criteria. (Col. 11, lines 2-11) Morscheck discloses the creation of an index of form design files which corresponds to the form design files stored in a first server and stores the index of form design files in the form design repository (col. 24, lines 23-28). Form design files correspond to a forms order (col. 24, lines 30-31). Furthermore, the graphic form design file is indexed in the forms design repository (col. 23, lines 21-23).

Examiner notes that "index" is defined as "a list arranged usually in alphabetical order of

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some specified datum" (Merriam Webster Collegiate Dictionary", Tenth Edition, 1997) Examiner further notes that in a file system the files are named, stored and organized. "Filing system" is defined as "a method for cataloging files in a computer system. See hierarchical file system" (The Computer Desktop Encyclopedia", 1996) Moreover, the customer service representative (CSR) can retrieve an existing or archived form order and modifies the existing order to meet the requirements of a specific customer (col. 6, lines 20-24).

Such index of form design files which are stored in the form design repository; definition of "index"; definition of "file system" are considered plurality of documents stored in repository.

The Examiner then turns to Erickson to teach "*a plurality of classes organized in a hierarchy*, each class categorizing the plurality of document and associated with one or more attributes of the plurality of documents categorized in the class". Erickson teaches a central database which is accessed via classifications or any other manner that allows easy access by a buyer or supplier to the information stored in the central database (col. 7, lines 14-17). The central database serves as a repository for useful information to locate goods or services of interest (col. 7, lines 65-67). Classification information may also be submitted illustrating types or classes or services or goods provided by a particular company (col. 7, lines 50-52). Erickson teaches the linking products and services to a class which will help locate groups or classes of products or services available (col. 9, lines 47-49). "Classification" is defined as "systematic arrangement in groups or categories according to established criteria". "Class" is



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defined as "rank"; "a group, set, or kind sharing common attributes"; and "a division or rating based on grade or quality". (Merriam Webster Collegiate Dictionary", Tenth Edition, 1997)

Such central database of Erickson which is accessed via classification; central database which serves as a repository for useful information to locate goods or services of interest; classification information illustrates types or classes provided by a particular company; linking products and services to a class which will help locate groups or classes of products or services available; and definition of classification and class are considered "*a plurality of classes organized in a hierarchy*, each class categorizing the plurality of document and associated with one or more attributes of the plurality of documents categorized in the class".

Applicant remark that "Thus, if the Examiner continues to maintain the obviousness rejection based on the proposed combination of Morscheck and Erickson, Applicant respectfully requests that the Examiner provide proper support for the obviousness rejection under 35 U.S.C. 103 as necessitated by the Guidelines, including a statement by the Examiner identifying which one of the seven rationales the Examiner is relying on and the proper analysis of that particular rationale, as required by the Guidelines."

Examiner has both provided a teaching-suggestion-motivation (TSM) as shown above and a KSR Rational as provided in the previous office action. Furthermore, the Supreme Court has also recognized that TSM was one of a number of valid rationales that could be used to determine obviousness.

Nonetheless, in response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, the motivation was found in Erickson, in order to allow easy access to the information stored (Erickson, col. 7, lines 16-17).

In addition, Examiner has included the rationale (A) from the previous office action mailed on November 27, 2009. Morscheck was cited for teaching discloses a system, method, and software comprising one or more repositories that stores a plurality of user documents used during a first electronic commerce transaction; a search interface; a security module that decrypts the plurality of documents to allow a user to access the plurality of documents; and an intelligent module that updates one or more sections in the plurality of documents with current information associated with a second electronic commerce transaction a data menu which includes commands to sort and find a data and show detail of an Order Log, as recited above. Morscheck discloses an order entry system which includes a filter feature wherein the Order Log entries are filtered based on specific needs. The filter feature obtains a list of log entries based on some filtering criteria. (Col. 11, lines 2-11) Furthermore, Morscheck discloses an

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option menu which include commands such as change, reopen, accept, reject, price and place orders. The menu allows a user to enter or view a forms design request and make column settings to the Order Log. Some of these items may be disabled based on security access. (Col. 11, lines 32-36) Morscheck discloses the creation of an index of form design files which corresponds to the form design files stored in a first server and stores the index of form design files in the form design repository (col. 24, lines 23-28). Form design files correspond to a forms order (col. 24, lines 30-31). Furthermore, the graphic form design file is indexed in the forms design repository (col. 23, lines 21-23). Examiner notes that "index" is defined as "a list arranged usually in alphabetical order of some specified datum" (Merriam Webster Collegiate Dictionary", Tenth Edition, 1997) Moreover, the customer service representative (CSR) can retrieve an existing or archived form order and modifies the existing order to meet the requirements of a specific customer (col. 6, lines 20-24). Such index of form design files which are stored in the form design repository are considered plurality of documents stored in repository.

The Examiner then turns to Erickson to teach a plurality of classes organized in a hierarchy, each class is categorized and associated with one or more attributes.

Erickson teaches a central database which is accessed via classifications or any other manner that allows easy access by a buyer or supplier to the information stored in the central database (col. 7, lines 14-17). The central database serves as a repository for useful information to locate goods or services of interest (col. 7, lines 65-67).

Classification information may also be submitted illustrating types or classes or services or goods provided by a particular company (col. 7, lines 50-52). Erickson teaches the

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linking products and services to a class which will help locate groups or classes of products or services available (col. 9, lines 47-49). "Classification" is defined as "systematic arrangement in groups or categories according to established criteria". "Class" is defined as "rank"; "a group, set, or kind sharing common attributes"; and "a division or rating based on grade or quality". (Merriam Webster Collegiate Dictionary", Tenth Edition, 1997)

Such central database of Erickson which is accessed via classification; central database which serves as a repository for useful information to locate goods or services of interest; classification information illustrates types or classes provided by a particular company; linking products and services to a class which will help locate groups or classes of products or services available; and definition of classification and class are considered a plurality of classes organized in a hierarchy, each class is categorized and associated with one or more attributes.

Thus, it would have been obvious to one having ordinary skill in the art to use the classification in the central database taught by Erickson in the repository of Morschek, since the classification is no way dependent on the repository, and a classification could be used in combination with a standard repository to achieve the predictable result of allowing easy access to the information stored.

The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately. KSR, 82 USPQ2d 1385 (2007).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA THEIN whose telephone number is (571)272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marissa Thein/  
Examiner, Art Unit 3627  
May 10, 2010